

REMARKS

Claims 1-37 were pending in this application when the present Office Action was mailed (March 31, 2005). Claims 20 and 35-37 have been amended. More specifically, claim 35 has been rewritten in independent form to include all of the features of the corresponding base claim and any intervening claims. Accordingly, claim 35 has not been substantively amended or narrowed, and any subsequent rejection of this claim on new grounds cannot be made final. Claims 36 and 37 have been amended solely to change the dependencies of these claims. Claims 23 and 34 have been cancelled without prejudice to pursuing these claims in a continuation, divisional, reissue, or other application. Accordingly, claims 1-22, 24-33, and 35-37 remain pending in the application.

In the non-final Office Action mailed March 31, 2005, claims 20-24, 34, 36, and 37 were rejected, with the remaining claims allowed or indicated to be allowable. More specifically, the status of this application in light of the March 31 Office Action is as follows:

- (A) The drawings were objected to under 37 C.F.R. § 1.83(a);
- (B) The disclosure was objected to because of minor informalities;
- (C) Claims 20-22 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,566,658 to DiGiovanniantonio et al. ("DiGiovanniantonio");
- (D) Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DiGiovanniantonio in view of U.S. Patent No. 3,765,625 to Myhr et al. ("Myhr");
- (E) Claims 34, 36, and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DiGiovanniantonio in view of Myhr; and
- (F) Claims 1-19 and 25-33 were indicated to be allowable, with claim 35 indicated to be allowable if rewritten to be in independent form.

The undersigned attorney wishes to thank the Examiner for engaging in a telephone interview on June 21, 2005 to discuss the present Office Action, the pending claims, and the prior art references (DiGiovanniantonio and Myhr). The following remarks summarize and expand upon the results of the telephone interview, and they also reflect the agreements reached between the undersigned attorney and the Examiner during the interview. For example, the following remarks reflect the Examiner's acknowledgment that the objection to the drawings and the disclosure should be withdrawn.

A. Response to the Objection to the Drawings

The drawings were objected to under Rule 1.83(a) as failing to show every feature of the invention specified in the claims. More specifically, the Office Action stated that the "pipe" of claim 21 and the "soft resilient member" of claim 22 must be shown. During the June 21 telephone interview, the Examiner agreed that Figure 10D and corresponding paragraph [0085] of the originally filed specification provide adequate support for the claimed features (e.g., the restraining device 1070). Accordingly, the objection to the drawings should be withdrawn.

B. Response to the Objection to the Disclosure

The disclosure was objected to because (a) the cross-reference to co-pending U.S. patent applications in paragraph [00100] of the originally-filed specification was not updated to include corresponding U.S. Patent Application numbers, and (b) the abstract of the disclosure included the phrase "are described" in line 2. The specification has been updated to include the appropriate U.S. patent application numbers and the abstract has been amended in accordance with the Examiner's suggestion. Accordingly, the objection to the disclosure should be withdrawn.

C. Response to the Section 102 Rejection of Claims 20-22 and 24

Claims 20-22 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by DiGiovanniantonio. Claim 20 has been amended to include several features generally similar to allowable independent claim 1 (e.g., a hoist device coupled to the recovery line and a trigger device operatively coupled between the recovery line

and the hoist device). Accordingly, claim 20 is allowable over the applied reference DiGiovanniantonio because this reference does not appear to disclose or suggest all the claimed features. Accordingly, the Section 102 rejection of claim 20 should be withdrawn.

Claims 21, 22, and 24 depend from base claim 20. As discussed above, claim 20 is allowable. Accordingly, claims 21, 22, and 24 are allowable as depending from claim 20, and also because of the additional features of these dependent claims. Accordingly, the Section 102 rejection of claims 21, 22, and 24 should be withdrawn.

D. Response to the Section 103 Rejection of Claim 23

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over DiGiovanniantonio in view of Myhr. Claim 23 has been cancelled and, therefore, the rejection of this claim is now moot.

E. Response to the Section 103 Rejection of Claims 34, 36, and 37

Claims 34, 36, and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over DiGiovanniantonio in view of Myhr. Claim 34 has been cancelled and, therefore, the rejection of this claim is now moot.

As discussed below, claim 35 has been rewritten in independent form and is in condition for allowance. Claims 36 and 37 have been amended to depend from base claim 35. Accordingly, claims 36 and 37 are allowable as depending from allowable claim 35 and also because of the additional features of these dependent claims. Accordingly, the Section 103 rejection of claims 36 and 37 should be withdrawn.

F. Response to the Indication of Allowable Subject Matter

The applicant thanks the Examiner for allowing claims 1-19 and 25-33. Although the undersigned attorney agrees with the Examiner's conclusion that these claims are allowable, the undersigned attorney notes that the claims may be allowable for reasons other than those identified by the Examiner and does not concede that the Examiner's characterization of the terms of the claims and the prior art are correct.

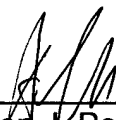
Claim 35 stands objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims. This claim has been rewritten in the stated form. Accordingly, claim 35 is in condition for allowance.

Conclusion

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the applied art. The applicants respectfully request reconsideration of the application and a mailing of a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3982.

Respectfully submitted,

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